

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,

Plaintiff,

v.

DON NOTTOLI, et al.,

Defendants.

No. 2:22-cv-01085 KJM AC

ORDER TO SHOW CAUSE

Plaintiff, appearing in pro se, filed a complaint and paid the filing fee on June 24, 2022. ECF No. 1. On February 27, 2023, defendants Nicole M. Cahill, Rich Desmond, and Sue Trust filed a motion to dismiss, set to be heard on April 12, 2023. ECF No. 12. Pursuant to Local Rule 230, plaintiff's opposition or statement of non-opposition was due 14 days after the motion was filed, in this instance, March 13, 2023. Plaintiff did not file an opposition or statement of non-opposition. The court notes that two other motions to dismiss are pending, also set to be heard April 12, 2023. ECF Nos. 14 (filed March 8, 2023) and 17 (filed March 9, 2023). Plaintiff's oppositions are due for those motions on March 22, 2023 and March 23, 2023 respectively, per the local rule.


Local Rule 110 provides that failure to comply with court orders or the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Plaintiff must file an opposition or statement of non-opposition to

each of the three motions no later than March 23, 2023, or the motions will be taken off calendar and the undersigned will recommend that this case be dismissed for failure to prosecute.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is Ordered to Show Cause, in writing no later than March 23, 2023, why this action should not be dismissed for failure to prosecute;
2. Plaintiff's filing of an opposition or statement of non-opposition to all three pending motions to dismiss (ECF Nos. 12, 15, 17) no later than March 23, 2023, will serve as good cause and will discharge this order; and
3. If plaintiff fails to comply with this order, the undersigned will recommend that this case be dismissed without prejudice for failure to prosecute.

DATED: March 16, 2023


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE